

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS; *et al.*,

*Plaintiffs,*

v.

REPRESENTATIVE DESTIN HALL, in his  
official capacity as Chair of the House Standing  
Committee on Redistricting; *et al.*,

*Defendants.*

Civil Action No. 23-CV-1057

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NORTH CAROLINA STATE CONFERENCE OF  
THE NAACP; *et al.*,

*Plaintiffs,*

v.

PHILIP BERGER, in his official capacity as the  
President Pro Tempore of the North Carolina  
Senate; *et al.*,

*Defendants.*

Civil Action No. 23-CV-1104

**CONSENT MOTION FOR EXTENSION OF TIME TO TAKE DEPOSITION OF  
STEPHEN JAMES MALLISON**

NOW COME Defendants Representative Destin Hall, Senator Ralph Hise, Senator Paul Newton, Senator Warren Daniel, Speaker Timothy K. Moore, and President Pro Tempore Philip E. Berger, each in their official capacities (collectively, “Legislative Defendants”), by and through undersigned counsel, and pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6.1(a) and with consent of all counsel, move this Court for an order granting an extension of time to take the Deposition of Steven James Mallison past the November 4, 2024 discovery deadline set forth in D.E. 48.

In support of this Motion, Legislative Defendants show the Court as follows:

1. The scheduling order in this matter, D.E. 48, sets the deadline for all fact and expert discovery to be completed by November 4, 2024 and provides that that deadline may not be altered absent a court order approving an extension. At the time of this Motion, the November 4 deadline has not yet expired.

2. On October 10, 2024, Legislative Defendants took the deposition of Representative Pricey Harrison who, for the first time, mentioned an individual named “Steven” had discoverable information relating to this case. Legislative Defendants then followed up with Representative Robert Reives II, who was already subpoenaed in this case, in an attempt to obtain the identity of “Steven” and discoverable information without sending an additional subpoena.

3. On Monday October 21, 2024, Legislative Defendants learned, for the first time, that Stephen Mallison was the individual with discoverable information that Representative Harrison was referring to in her deposition.

4. The very next day, on October 22, 2024, Legislative Defendants served a Notice of Intent to Serve Subpoena<sup>1</sup> on all parties, and then effectuated personal service on Stephen James Mallison<sup>2</sup>. The subpoena set the date for a deposition as November 4, 2024—the last possible day for discovery in this case, and thirteen days after personal service of the subpoena.

5. On the afternoon of November 1, 2024, Legislative Defendants received correspondence and objections from counsel for Mr. Mallison. Counsel for Mr. Mallison indicated, for the first time, that the November 4, 2024 date noticed in the subpoena did not work due to previous commitments.

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<sup>1</sup> A copy of the Notice of Intent to Serve Subpoena is attached as **Exhibit 1**.

<sup>2</sup> The subpoena packet served on Mr. Mallison and proof of service of the same are attached as **Exhibit 2**.

6. As soon as possible after receiving notice that the November 4, 2024 date would not work for Mr. Mallison and his counsel, counsel for Legislative Defendants conferred with counsel for *Williams* Plaintiffs, *N.C. NAACP* Plaintiffs, and State Board Defendants on the afternoon November 1, 2024. *Williams* Plaintiffs and State Board Defendants consent to the relief requested herein. *N.C. NAACP* Plaintiffs also consent to the relief requested herein.

7. This Motion is made solely to take this deposition out of time to accommodate the witness, not to alter any other case deadlines set in the scheduling order in this matter or the trial date. This Motion is not made for purposes of delay and good cause exists to grant this Motion.

WHEREFORE, for the foregoing reasons, Legislative Defendants, with the consent of all counsel, respectfully request this Court enter an order granting an extension of time solely for Legislative Defendants to take the deposition of Stephen James Mallison out of time, after the November 4, 2024 discovery deadline.

Respectfully submitted, this the 4th day of November, 2024.

**BAKER & HOSTETLER LLP**

Richard B. Raile\*  
DC Bar No. 1015689  
Katherine L. McKnight\*  
Trevor Stanley\*  
1050 Connecticut Ave. NW  
Suite 1100  
Washington DC 20036  
Ph: (202) 861-1500  
rraile@bakerlaw.com  
kmcknight@bakerlaw.com  
tstanley@bakerlaw.com

Patrick T. Lewis\*  
Ohio State Bar No. 0078314  
Key Tower  
127 Public Square, Suite 2000  
Cleveland, Ohio 44114

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

By /s/ Phillip J. Strach  
Phillip J. Strach  
North Carolina State Bar No. 29456  
Alyssa M. Riggins  
North Carolina State Bar No. 52366  
Cassie A. Holt  
North Carolina State Bar No. 56505  
Jordan A. Koonts  
North Carolina State Bar No. 59363  
301 Hillsborough Street, Suite 1400  
Raleigh, North Carolina 27603  
Ph: (919) 329-3800  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
cassie.holt@nelsonmullins.com  
jordan.koonts@nelsonmullins.com

Ph: (216) 621-0200  
plewis@bakerlaw.com

*Attorneys for Legislative Defendants*

Erika D. Prouty\*  
Ohio State Bar No. 0095821  
200 Civic Center Drive, Suite 1200  
Columbus, Ohio 43215  
Ph: (614) 462-4710  
eprouty@bakerlaw.com

\* *Appeared via Special Notice*

**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing document was served by email on all counsel of record in this action.

This the 4th day of November, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach  
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Phillip J. Strach